

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, APRIL 6, 1983

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, April 6, 1983 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Murphy, Olson, Pinkerton, Snider, and Reid (Mayor)

Absent: Council Members - None

Also Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION The invocation was given by Reverend Lungren, First Methodist Church

PLEDGE The Pledge of Allegiance was led by Mayor Reid

PRESENTATIONS Mayor Reid presented the following Proclamations:

- a) "Week of the Young Child"
- b) "Fair Housing Month"
- c) "National Boys Club Week"

On motion of Mayor Reid, Snider second, Council adopted Resolution No. 83-19 endorsing the "Great California Resource Rally".

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Olson, Snider second, approved the following actions hereinafter set forth.

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,812,823.51.

MINUTES THE MINUTES OF MARCH 16, 1983 WERE APPROVED AS WRITTEN.

SPECIFICATIONS
APPROVED FOR
WATTHOUR METERS,
THREE-PHASE
PADMOUNT
TRANSFORMERS,
ASPHALT

COUNCIL APPROVED THE SPECIFICATIONS FOR THE PURCHASE OF 672 WATTHOUR METERS; THE PURCHASE OF TEN 50 KVA AND FIVE 75 KVA SINGLE-PHASE AND ONE 75 KVA, THREE 112½ KVA, TWO 150 KVA, AND TWO 300 KVA THREE-PHASE PADMOUNT TRANSFORMERS; AND FOR ASPHALT MATERIAL FOR MAY 1, 1983 AND JUNE 30, 1983 AND AUTHORIZED THE ADVERTISING FOR BIDS THEREON.

PLANS AND SPECS
APPROVED FOR
"HAM LANE AND
TOKAY STREET
TRAFFIC SIGNAL
INSTALLATION"

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "HAM LANE AND TOKAY STREET TRAFFIC SIGNAL INSTALLATION" AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

FINAL MAP FOR
LAKESHORE VILLAGE
UNIT #2 APPROVED

COUNCIL APPROVED THE FINAL MAP FOR LAKESHORE VILLAGE UNIT #2, AND DIRECTED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SUBDIVISION AGREEMENT ON BEHALF OF THE CITY.

AWARD - FLAT BED
DUMP TRUCK

Council received the following bids which had been received for a Flat Bed Dump Truck for the Parks and Recreation Department:

<u>BIDDER</u>	<u>AMOUNT</u>
Sanborn Chevrolet	\$13,943.28
Sanborn Chevrolet	\$14,478.31
Geweke Ford	\$14,223.27

RES. NO. 83-20

On recommendation of the City Manager, Council adopted Resolution No. 83-20 awarding the bid for a Flat Bed Dump Truck to Sanborn Chevrolet in the amount of \$13,943.28, which includes sales tax and approved a Special Allocation in the amount of \$1,950.00 for the difference between the amount budgeted for this item and the actual cost.

AWARD CONTRACT
FOR "HOWARD
STREET CURB AND
GUTTER REPLACEMENT
LAKE STREET TO
HOLLY DRIVE"

Council received the following bids for the contract for "Howard Street Curb and Gutter Replacement, Lake Street to Holly Drive":

<u>BIDDER</u>	<u>BID</u>
James E. Anderson & Sons	\$25,754.36
Case Construction	\$27,473.00
H. Max Lee, Inc.	\$27,797.50
Lewis & Tibbitt, Inc.	\$29,583.61
Popuch Concrete Corp.	\$31,355.80
Engineer's Estimate	\$20,054.05

Council was apprised that an additional bid (James E. Anderson & Sons Construction) was opened on Thursday, March 31, 1983. This bid was sent by certified mail to the City's P. O. Box. The mail was picked up Wednesday morning before 8:00 a.m. when the Post Office opens. It contained a notice that a piece of certified mail was being held and needed a signature. The City had no indication that it was a bid. It was picked up in the afternoon after the bid opening. On Thursday, after meeting with the City Attorney and determining that the circumstances were such that the bid should be considered, it was opened, read and included in the bid tabulation.

RES. NO. 83-21

COUNCIL ADOPTED RESOLUTION NO. 83-21 AWARDING THE CONTRACT FOR "HOWARD STREET CURB AND GUTTER REPLACEMENT, LAKE STREET TO HOLLY DRIVE" TO JAMES E. ANDERSON AND SONS CONSTRUCTION, THE LOW BIDDER, IN THE AMOUNT OF \$25,754.36 AND APPROPRIATED \$19,000 FROM THE GAS TAX FUND.

RESOLUTION CALLING
FOR REIMBURSEMENT
TO THE CITY FOR
INSTALLATION OF A
SANITARY SEWER IN
CLUFF AVENUE FROM
LODI AVENUE TO
PINE STREET

Council was apprised that as part of the Cluff Avenue Storm drain project, the City is paying for the installation of a sanitary sewer in Cluff Avenue between Lodi Avenue and Pine Street. Under the City's Sanitary Sewer Ordinance, the City is eligible for reimbursement for this installation just as a developer would be reimbursed for a similar installation. The charge would be added to the normal development fees for parcels adjacent to Cluff Avenue between Lodi Avenue and Pine Street.

RES. NO. 83-22

COUNCIL ADOPTED RESOLUTION NO. 83-22 CALLING FOR REIMBURSEMENT TO THE CITY OF LODI FOR INSTALLATION OF A SANITARY SEWER IN CLUFF AVENUE - FROM LODI AVENUE TO PINE STREET.

PUBLIC HEARINGS

NO PUBLIC HEARINGS WERE SCHEDULED FOR THIS COUNCIL MEETING.

PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of March 14, 1983 and March 28, 1983:

The Planning Commission at its March 14, 1983 meeting:

1. Determined that a Zoning Hardship did not exist and denied the request of Stan and Martha Lagomarsino for a Zoning Variance to increase the maximum sign area for Lodi Schwinn at 11 South Church Street in an area zoned C-2, General Commercial.
2. Recommended that the San Joaquin County Zoning Administrator approve the request of Donald Stelzig on behalf of John Taylor Fertilizer Company for a Use Permit for a temporary mobile office to be located on the north side of State Route 12 (Victor Road), east of Myrtle Street in an area zoned M-1, Light Industrial.
3. Recommended that the San Joaquin County Planning Commission deny the requests of Baumbach and Piazza, Consulting Engineers, on behalf of Chris Keszler to (1) vary the minimum 40 acre parcel size and (2) permit a parcel map application to create Parcel "A" 9.7 acres; Parcel "B" - 5.0 acres; Parcel "C" - 8.5 acres; and Parcel "D" - 29.4 acres adjacent to the City Limits at 15462 North Lower Sacramento Road in an area zoned GA-40, General Agriculture.

The Planning Commission based its recommendation on Measure "A" which removed this parcel from the Land Use Element of the General Plan.

The Planning Commission at its March 28th meeting -

1. Recommended that the City amend the Specific Plan for Stockton Street between Lodi Avenue and Kettelman Lane to provide an ultimate right-of-way of 80 feet with a curb-to-curb street section of 64 feet.

2. Approved the request of Rax Roast Beef Restaurant for a Use Permit to sponsor a charity carnival for various charities to be held April 30, 1983 only and located on a portion of the parking lot of the Vineyard Shopping Center, West Kettleman Lane in an area zoned P-D (15), Planned Development District No. 15.
3. Reviewed and took no action on the referral by the San Joaquin County Planning Commission to amend the Land Use/Circulation Element of the San Joaquin County General Plan by changing a portion of the Plan Map designation from conservation and agriculture to residential, medium density and commercial service and to reconsider the conservation designation in the area. The proposed amendment is located on the west side of Lower Sacramento Road, at Liberty Road, north of Collierville and south of Galt.

ITEMS OF
INTEREST

COMMUNICATIONS
CITY CLERK

City Clerk Reimche presented the following applications for Alcoholic Beverage Licenses which had been received:

1. Tokay Shell Auto Care
420 West Kettleman Lane
Lodi, CA 95240
Neely, Horace E./Mary E.
Off sale beer and wine
2. Happy Hooker Bait and Tackle
219 East Kettleman Lane
Lodi, CA 95240
Lucchesi, Lory V.
Off sale beer and wine
3. E & L Market
844 South Central Avenue
Lodi, CA 95240
Mojalli, Kalmz M./Mahfoud M.
Off sale beer and wine
4. Chapalita Cafe
107 North Sacramento Street
Lodi, CA 95240
Nieto, Guadalupe/Ralph
On sale beer and wine eating place
5. Hollywood Cafe
315 South Cherokee Lane
Lodi, CA 95240
Heim, Bert L./Judyth R.
On sale beer and wine eating place

ABC LICENSES

LETTER RECEIVED
FROM ASSISTANT
ATTORNEY GENERAL
OF THE STATE RE
SCOPE OF A CITY'S
LEGISLATIVE
POWERS REGARDING
SEXUALLY EXPLICIT
TELEVISION
PROGRAMS

City Clerk Reimche presented the following letter which had been received from Jack R. Winkler, Assistant Attorney General, State of California:

"Honorable Phillip Isenberg
Assemblyman, Tenth District
State Capitol, Room 2175
Sacramento, CA 95814

Dear Mr. Isenberg:

Re: Opinion No. 83-305

This will acknowledge your February 4 request for an opinion concerning the scope of a city's legislative powers. Specifically you ask whether a California city has legislative power to prohibit the owner of a television set within the city to permit sexually explicit television programs to be viewed on such set by a minor without the consent of the minor's parents or guardian. We understand sexually explicit programs to fall within the definition of harmful material as defined in Penal Code section 313.

Your request has been assigned to an attorney in the Opinion Unit. A response will be forthcoming in the near future. Your request for an opinion is not regarded as a request for confidential advice and any response will be considered open to public inspection under the California Public Records Act."

PUC APPLICATIONS City Clerk Reimche presented the following information regarding various PUC applications.

1. Application No. 82-12-02 in the matter of Southern California Gas Company and Pacific Lighting Gas Supply Company.

Application No. 82-12-04 in the matter of Pacific Gas and Electric Company.

OII No. 1 - Investigation on the Commission's own motion into the matter of the adoption of regulations governing the safety and construction of a liquefied natural gas terminal in the State of California.

Application No. 57626 in the matter of Western LNG Terminal Associates and of a joint application of Western LNG Terminal Associates, Pacific Gas and Electric Company and Pacific Lighting Service Company.

2. Application No. 57792 in the matter of Pacific Gas and Electric Company and Pacific Lighting Service Company.

Case No. 10342 - Investigation on the Commission's own motion into the impact of the decline in natural gas available to California from traditional sources and the need for and timing of deliveries from supplemental supply projects.

LETTER RECEIVED
FROM SENATOR
JOHN GLENN RE
S.41 A BILL TO
REAUTHORIZE
GENERAL REVENUE
SHARING UNTIL
1986

City Clerk Reimche presented a letter which had been received from U. S. Senator John Glenn regarding his co-sponsoring S.41, a bill to reauthorize General Revenue Sharing until 1986 which read in full as follows:

"I am pleased to inform you that I cosponsored S.41, a bill to reauthorize General Revenue Sharing (GSR) until 1986. If this legislation is not passed, we will see GSR expire September 30, 1983.

The bipartisan coalition of 65 Senators who joined with me in cosponsoring S.41 has sent a strong message to the Administration that this is a program which will not be on the chopping block. My colleagues and I have also reassured the cities that Washington is concerned with their problems.

In order to fully explain my support for GSR, I have enclosed a copy of my statement from the CONGRESSIONAL RECORD. I know I can rely on you to join with me in supporting the reauthorization of this crucial program.

Best regards.

Sincerely,
John Glenn (s)
United States Senator"

COMMENTS BY CITY
COUNCIL MEMBERS

sent

Mayor Pro Tempore Murphy asked if emergency plans including evacuation routes have been established in case of flooding in Lodi and the surrounding area.

City Manager Graves said that he and his staff had just recently met with representatives of the East Bay Municipal Utility District to discuss the Mokelumne River spring runoff. City Manager Graves gave a brief report to the Council on this meeting.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

REPORTS OF THE
CITY MANAGER

REGULAR CALENDAR

PLANS AND SPECS
FOR PROPOSED
ANIMAL SHELTER
EXPANSION APPVD.

The Plans and Specifications for "Lodi Animal Shelter Expansion" were presented for Council's approval.

Council was apprised that the Animal Shelter expansion and completion of the MSC wall was approved in the 1982-83 Capital Improvement Budget with an estimated expenditure of \$125,000.

In general, the work consists of constructing 14 additional individual kennels including approximately 2500 SF of concrete slabs, 1300 SF of covered improvements, 500 LF of concrete block wall, mechanical and electrical work and miscellaneous site and other incidental and related work.

The architect's estimate for the Animal Shelter and MSC wall work is \$162,000.

On motion of Council Member Snider, Olson second, the Animal Shelter Expansion Plans and Specifications were approved and the City Clerk was authorized to advertise for bids thereon.

CONTRACT FOR
POSTER BOARD
LOCATED ON
HIGHWAY 12 AT
ENTRANCE TO
CITY NOT
RENEWED

Following introduction of the matter by City Clerk Reimche and Council discussion, Council, on motion of Council Member Olson, Murphy second, declined to renew the contract with 3M Advertising Company for a Poster Board located on Highway 12 at the entrance to the City.

RELIGHTING OF
LODI MISSION
ARCH APPROVED

City Manager Graves apprised the Council that a number of request have been received to relight the Lodi Mission Arch, which had been turned off as an energy conservation measure. City Manager Graves reported to the Council the projected cost for the relighting and responded to questions as were posed by the Council.

On motion of Council Member Olson, Snider second, Council authorized the relighting of the Lodi Mission Arch with a time clock installation.

Public Works Director Ronsko presented the following information along with a diagram regarding the Ray/Campbell alley:

RAY/CAMPBELL
ALLEY RIGHT-OF-
WAY AGREEMENT
DISAPPROVED

Sometime ago, the City Council directed the City Attorney "to acquire property in the area", reaffirming an earlier decision to clear the title to the alley shown on Exhibits presented to Council.

Both the Public Works personnel and the City Attorney have spent considerable time with Mr. Campbell in an attempt to resolve the problem without going to court. In the interim, the City has acquired a quitclaim deed from the successors to the Hutchins Estate granting any rights they might have to the City for that parcel highlighted in an Exhibit presented for Councils' perusal. During the last discussion with Mr. Campbell, he presented the City with a new proposal which is covered in the attached agreement. Under this proposal he would quitclaim to the City that portion of his land highlighted in green and he is asking the City to quitclaim to him that portion of the parcel we acquired from the Hutchins Estate that lies outside the occupied alley (approximately 3' x 90') and, in addition, he is asking the City quitclaim the parcel that we acquired from the Hutchins Estate that is part of the ultimate street right-of-way (3' x 10').

At the present time, there is a 40' setback line on Hutchins Street affirmed by the Council during their hearings on the widening of Hutchins Street. Mr. Campbell contends that should he or anyone else apply for a building permit, dedication of 10 feet along Hutchins Street would be a requirement of the City, including the 3' x 10' parcel.

The present value of the parcel (35 sq.ft.) is estimated to be between \$75 and \$150.

The Public Works Department's position is we should not abandon any portion of future right-of-way which we may have to buy back at a later date. The City Attorney, however, feels it is worth bringing this back to the Council since future costs to the City of purchasing the parcel would offset not having to go to court at this time. It is assumed that if we went to court, none of the allowances we have given Mr. Campbell under the agreement related to parking and zoning computations would be required.

A lengthy discussion followed with questions being directed to Staff and to the City Attorney. On motion of Council Member Pinkerton, Murphy second, Council disapproved the proposed Right-of-Way Agreement with Mr. and Mrs. Don Campbell pertaining to the subject Ray/Campbell Alley.

HUTCHINS STREET
MEDIAN

Following introduction of the matter by Public Works Director Ronsko, Council, on motion of Council Member Pinkerton, Snider second, authorized the expenditure of approximately \$12,000 for the Hutchins Street Median Project with the Lodi Lions Club to participate in the project improvements.

LODI NEWS
SENTINEL
DESIGNATED AS
NEWSPAPER OF
RECORD

RES. NO. 83-23

Following introduction of the matter by City Clerk Reimche, Council, on motion of Council Member Pinkerton, Snider second, adopted Resolution No. 83-23 designating the Lodi News Sentinel as the Newspaper of Record for the City of Lodi with the understanding that the Lodi News Sentinel reserves the right to revise its charges in the future upon 60 days written notice.

Council was apprised that the Public Works Department was directed by the City Council to acquire necessary right-of-way for the ultimate widening of Turner Road. A diagram of the subject area was presented for Council's perusal.

Craig Hubbard of Stockton, appraised the parcel at \$15,000. Included in that appraisal were certain costs in addition to the land, such as payment for a garage, well, carport, fence and other items.

The owner of the property was contacted by Mr. Ferguson, the City's part-time right-of-way agent, and both Mr. Ferguson and a representative of Staff met with the owners of the property onsite to discuss the value of the items taken. Out of this discussion and further contact by Mr. Ferguson with the owners, came the proposed right-of-way agreement, a copy of which was presented for Council's perusal.

The dollar amount has been reduced by the value of a water service (tap and reimbursement) and increased slightly to cover the cost of sawing concrete and an adjustment in the depreciation figure. The City's appraiser feels it is "consistent" with the appraisal and represents a fair and equitable settlement of this partial taking."

The agreement is consistent with the Snell agreement to the west and it is recommended that the agreement be approved.

JEROME PARCEL
RIGHT-OF-WAY
AGREEMENT
APPROVED

Following a brief discussion with questions being directed to Staff, Council, on motion of Mayor Pro Tempore Murphy, Snider second, approved the Right-of-way Agreement between Eugene F. and L. J. Jerome, and the City of Lodi, for the acquisition of right-of-way for the widening of Turner Road immediately west of Cluff Avenue, and authorized the City Manager and City Clerk to execute the Agreement on behalf of the City.

RICHTER GROUP
AUTHORIZED TO
DEVELOP
SPECIFICATIONS
FOR OUTSIDE
PLANT WIRING

Following introduction of the matter by City Manager Glaves and Assistant City Manager Glenn, Council on motion of Mayor Pro Tempore Murphy, Reid second, authorized the Richter Group to develop a specification for outside-plant wiring which would identify the key addresses in Lodi to which wire service will be required, identifying the most reasonable routes between these, the City Hall, and the Municipal Service Center at a cost not to exceed \$2,000.00.

CITY COUNCIL
REORGANIZATION

The City Clerk called for nominations for Mayor. On motion of Council Member Reid, Snider second, Council Member Olson was nominated for Mayor. There being no further nominations, the nominations were closed and Council Member Evelyn Olson was elected Mayor by the following vote:

Ayes: Council Members - Reid, Snider, and Olson

Noes: Council Members - Murphy, and Pinkerton

Absent: Council Members - None

Mayor Olson then called for nominations for the office of Mayor Pro Tempore. Council Member Murphy nominated Council Member Pinkerton. The motion died for lack of a second.

Council Member Reid then nominated Council Member Snider for the office of Mayor Pro Tempore. The motion was seconded by Mayor Olson. There being no further nominations, the nominations were closed and Council Member Snider was elected Mayor Pro Tempore by the following vote:

Ayes: Council Members - Reid, Snider, and Olson

Noes: Council Members - Murphy and Pinkerton

Absent: Council Members - None

Mayor Evelyn Olson expressed her appreciation to the Council and to Staff for their assistance during the past year.

ORDINANCES

ORD. MAKING IT
UNLAWFUL TO
REMOVE CHALK
MARKS, ETC.
USED BY ANY
OFFICER OF THE
CITY IN
ENFORCING
PARKING
REGULATIONS

Ordinance No. 1285 - An Ordinance amending the City Code's existing parking enforcement ordinance by adding a section making it unlawful to remove chalk marks or other distinguishing marks or objects used by any police officer or employee or officer of the City in connection with the

enforcement of this ordinance having been introduced at a regular meeting held March 16, 1983 was brought up for passage on motion of Council Member Reid, Snider second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Council Members - Snider, Murphy, Pinkerton, Reid and Olson (Mayor)

ORD.NO. 1285
ADOPTED

Noes: Council Members - None

Absent: Council Members - None

ADJOURNMENT

There being no further business to come before the Council Mayor Olson adjourned the meeting at approximately 8:45 p.m.

Attest:


Alice M. Reinche
City Clerk